



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Newton Park
4610 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, June 9, 2015**

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Vice Chair Shamp. Members present: Chuck Bodenhafer, Al Durrett, John Kakatsch, Joanne Shamp and James Steele.

Excused: Jane Plummer and Hank Zuba.

Town Attorney: Derek Rooney

Staff: Keith Laakkonen, Matt Noble and Patty Prevost.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - No minutes

V. PUBLIC COMMENT

Ceal Spuhler commented on rezoning 216 Connecticut Street. She stated that parking was a dire necessity for the Mound House.

Mr. Kakatsch questioned whether a sidewalk was needed from the bus stop to the parking lot. Mr. Noble replied that there was a sidewalk improvement project for the area.

Mr. Noble introduced Patty Prevost, Administrative Assistant, as the new staff liaison.

The September meeting was moved to Thursday, September 10, 2015 at 9:00 a.m.

VI. EAR DISCUSSION - Review of Elements

Review Coastal Management Element

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Mr. Durrett met with Mr. Noble and Mr. Laakkonen and they discovered that some material was outdated. Mr. Noble stated that Objective 5-A should be reworked; the end of Policy 5-A-2 should be redone to remove draconian language; change ~~of~~ to or in Policy 5-A-3 and 5-B stated no increase in net development capacity island wide. Town Attorney Rooney noted that although 5-B was not an uncommon provision, it gave a false sense of what it meant and it should be in the future land use element or cross-referenced. Mr. Noble indicated there was no mention of the TDR program. Mr. Kakatsch questioned whether the issue of TDRs and renovating duplexes into single family homes to sell TDRs was addressed. Town Attorney Rooney replied that the code and comp plan did not expressly state that one could sever density, but the comp plan was vague enough that it could be included. He discussed excessive density in environmentally sensitive areas. Discussion was held comparing Lee County's TDR program to the Town's TDR program.

Objective 5-A-5 needed to be reworked; Objective 5-B improving shelter capacity should be clarified to indicate mainland shelter; 5-B-5 the Town did not control the main evacuation route; 5-B-4 the Town shall maintain a storm emergency plan and 5-B-6 and taxing districts were discussed. Change the date in Policy 5-C-1; delete 5-C-2; delete #3 under 5-C-4; #4 needed to be researched or deleted; strike the word ~~shelters~~ in 5-C-? (inaudible); remove ~~power lines should be relocated underground whenever possible~~ in 5-C-6; remove dollar amount in 5-C-7 and add under a repetitive loss rule.

Eliminate the phrase, ~~which has agreed to take the lead role~~ in Policy 5-D-1 and eliminate ~~be constructed where they do exist~~ and ~~existing structures~~ in the second paragraph. Discussion was held regarding beach renourishment. Change ~~will~~ to may and strike ~~natural~~ erosion. Seawalls were discussed in relation to #6 and #7 of 5-D-1. Delete ~~currently provided by Lee County~~ in 5-E-1; delete ~~encourages Lee County~~ in 5-E-3; in 5-E-2 metered parking as a funding source for maintaining bay and beach public accesses was discussed; 5-E-4 modify to the Town will continue to identify any water access points and deal with any encroachments that occur and 5-E-7 was eliminated. The harbor planning in Policy 5-F-1 needed to be rewritten to reflect the Town's responsibility.

Review Conservation Element

Add that the Town would be proactive in working with other stake holders to the Goal; add the idea of working closely with Lee County and other agencies in protecting sea grasses and estuary habitats to Policy 6-A-2 and adding minimizing the impacts of hardened shoreline stabilization was discussed; delete the top part of paragraph #2 in 6-A-3, add a maintenance section to paragraph #2 and working with the Marine Resource Task Force and other agencies was already policy. Adopting a ban on commercial collection of live shells was a state law. Recommended capital projects to improve water quality was currently being done. Delete the idea of recommending since activities were in progress. Policy 6-A-5 was a cross reference and not necessary. Policy 6-A-7 participation was discussed (partially inaudible) and 6-A-8 could be deleted.

Delete paragraph #4 in Policy 6-B-2 and suggest partnering with other agencies. Discussion was held concerning designating pedestrian trails and creating a trail on the beach side from Lani Kai to Lynn Hall Park. Memorialize the lagoon, coastal management, to manage habitat, reduce long term erosion to the benefit of the beach, birds, sea turtles and other estuarine processes were discussed (partially inaudible). Rewrite Policy 6-B-3 to reflect that the County maintained the

Matanzas Pass Preserve; strike i. in 6-B-4; strike ii. in 6-B-8; discussion was held concerning striking i. in 6-B-9 or rewording it; add including conservation land to iii. in 6-41; change FGFWFC to FFWCC in 6-C; strike ii. in Policy 6-C-1 and the second sentence in iii.; delete (inaudible) in 6-41 regarding mitigation and local jurisdiction; consolidate 6-C-2 concerning bald eagle management regulations; strike ~~The Town shall cooperate with Lee County in preparing a manatee protection plan~~ and all sentences under that in 6-C-3; add maintain the existing ordinance and encourage utilization of new technology as available to 6-C-5, add language to encourage existing properties to voluntarily change their lights out and delete scraping from i. In Objective 6-D change to support the condition and natural function of wetlands; change 6-D-1 to read manage adjacent upland communities that (inaudible) stormwater (inaudible) strike such down to the next sentence; strike the second sentence in 6-D-3 that no development shall be issued; delete 6-D-2 regarding projects during turtle season; strike historic shore bird nesting areas and strike iii. in 6-D-3. Discussion was held regarding invasive exotic plant species, new beach management technologies and beach equipment. In 6-E-4 #4, change seaward to the coastal construction line to 78. Strike 6-F-3 air quality permitting; consolidate iii. under 6-G; strike 6-H-1 and 6-H-2; strike i. and ii. in 6-H-3; 6-H-5 was redundant; rewrite 6-I-1; and strike 6-I-3. Eliminate 6-J-1; delete the second sentence in 6-J-10-a and a-2 and a-3.

Review Recreation Element

Strike #3 in Policy AOA5; delete everything after actions in BOA2; strike beach volleyball in the upper right and #4 should include downtown. Remove the plaza and park integration sentence in COA21 and rewrite the paragraph concerning Santini Plaza. In the Community Recreation section, the first two had been accomplished; strike DOA4 and DOA5; strike EOA1; strike the 3% utility tax; add maintain to 10A3; add maintain the number and quality of public access points to Gulf beaches to 10G and strike 10HOA1.

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Bodenhafer read an email concerning member items and reports in the LPA minutes from May 12, 2015. In summary, the email stated that the member items and reports section was for members to share items among themselves, and was not intended to be used as a time to question staff about items that could be questioned outside the public meeting. Finally, Town staff should not be put on the spot and be expected to respond to questions on any topic. Mr. Bodenhafer felt that the email was inaccurate and LPA members should be entitled to ask any question of any person in the public at any time, which better served the Sunshine Law. Mr. Steele questioned who determined what the LPA discussed. Town Attorney Rooney replied that the LPA could talk about whatever they wanted. Vice Chair Shamp supported Mr. Bodenhafer.

Vice Chair Shamp questioned whether the Town owned certain boat ramps and Mr. Laakkonen replied that the Town did own a couple of ramps.

VIII. LPA ATTORNEY ITEMS - none

IX. COMMUNITY DEVELOPMENT ITEMS

Mr. Noble indicated he would send an email to LPA members.

X. LPA ACTION ITEM LIST REVIEW

216 Connecticut Street, the lighthouse CPD, Seagrape and variances.

XI. ITEMS FOR NEXT MONTH'S AGENDA

XII. PUBLIC COMMENT

Mary Ann Demars, Connecticut Street, opposed parking at 216 Connecticut Street but she felt it was inevitable. She thought the sidewalk was too wide and she commented on the buses running at the Mound House.

XIII. ADJOURNMENT

MOTION: Mr. Kakatsch moved to adjourn the meeting; second by Mr. ?

VOTE: Motion approved; 5-0 (Chair Zuba and Ms. Plummer excused).

Meeting adjourned at 12:20 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

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